

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 629

Introduced by Wehrbein, 2

Read first time January 19, 2005

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to municipalities; to amend section 17-414,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to annexation and disconnection by
4 cities of the second class or villages; to provide
5 duties; to define a term; and to repeal the original
6 section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 5 of this act,
2 city means any city of the second class or village.

3 Sec. 2. Not less than sixty days prior to the adoption
4 of any ordinance for the purpose of annexing territory to the city,
5 the city shall complete and make available to the public a report
6 on the feasibility and advisability of annexation including the
7 following information:

8 (1) The relative additional costs or revenue to the city
9 resulting from the proposed annexation;

10 (2) The services currently being received by the
11 residents of the territory subject to the proposed annexation which
12 will no longer be received by such residents following the
13 annexation;

14 (3) The services being lost by the residents of the
15 territory subject to the proposed annexation which will be replaced
16 by city services;

17 (4) The services being lost by the residents of the
18 territory subject to the proposed annexation which will not be
19 replaced by city services;

20 (5) The nature and impact of any changes in service or
21 costs of utility service provided by the city or a public utility
22 resulting from the annexation; and

23 (6) The relative additional costs or benefits to the
24 residents of the territory subject to the annexation resulting from
25 the proposed annexation.

26 Sec. 3. Except as provided in section 4 of this act, no
27 city shall annex territory if the residents of the territory
28 subject to the proposed annexation (1) will suffer a significant

1 loss of services or benefits in consequence of the annexation which
2 are not replaced by comparable city services, (2) if the tax costs
3 resulting from the annexation to be borne by the newly annexed
4 residents will substantially exceed those borne by such residents
5 prior to annexation without a comparable increase in services, and
6 (3) if the revenue to be derived by the city from the annexation is
7 significantly disproportionate to the cost.

8 Sec. 4. The provisions of sections 1 to 5 of this act
9 shall not bar a city from lawfully pursuing an annexation if such
10 annexation is supported by a petition bearing the validated
11 signatures of sixty percent of the adult residents of the area
12 proposed for annexation collected within a period of not more than
13 sixty days and filed with the city clerk prior to the enactment of
14 the ordinance of annexation.

15 Sec. 5. Sections 1 to 5 of this act govern the validity
16 of any annexation ordinance finally adopted after October 1, 2005.

17 Sec. 6. Section 17-414, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 17-414. Whenever a majority of the legal voters residing
20 on any territory within and adjacent to the corporate limits of any
21 city or village or the owner or owners of any unoccupied territory
22 so situated desire to have the territory disconnected from the city
23 or village, they may file a petition in the district court of the
24 county in which such city or village is situated praying that such
25 territory be detached. The petitioners shall, within ten days
26 after the filing of such petition, cause a copy thereof to be
27 served on such city or village in the manner provided by law for
28 the service of summons in a civil action. If any city or village

1 by a majority vote of all members of the council or board of
2 trustees consents that such territory be disconnected, the court
3 shall enter a decree disconnecting the territory, and in such case
4 no costs shall be taxed against such city or village. In case such
5 a city or village desires to contest such petition, it shall file
6 its answer thereto within thirty days after the service of a copy
7 of the petition, and thereupon issue shall be joined and the cause
8 shall be tried by the court as a suit in equity. If the court
9 finds in favor of the petitioners and that justice and equity
10 require that such territory, or any part thereof, be disconnected
11 from such city or village, it shall enter a decree accordingly. A
12 decree of disconnection shall be entered if the petitioners
13 demonstrate that they do not receive substantially the same
14 services or benefits enjoyed by other residents of the city at
15 comparable cost or that they are denied access to such services or
16 benefits without expenditures by the petitioners in an amount
17 excessive or disproportionate to the value of the services or
18 benefits derived. In all cases such a decree disconnecting part or
19 all of such territory shall particularly describe the territory
20 affected and a certified copy thereof shall be recorded in the
21 office of the register of deeds or county clerk of the county in
22 which such territory is situated. A certified copy thereof shall
23 also be forwarded to and filed in the office of the clerk of the
24 city or village affected thereby. Either party may prosecute an
25 appeal from the finding and decree of the district court to the
26 Court of Appeals.

27 Sec. 7. Original section 17-414, Reissue Revised
28 Statutes of Nebraska, is repealed.